

# **Exhibit AR**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

LINDA ZIMMERMAN, AN  
INDIVIDUAL,

PLAINTIFF,

VS.

AUTOZONE INC., ET AL.,

DEFENDANTS.

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CERTIFIED  
ORIGINAL

CASE NO. BC720153

VOLUME II

VIDEOTAPED DEPOSITION OF WILLIAM LONGO, PH.D.

MAY 12, 2020

SUWANEE, GEORGIA

JOB NO. 300655

REPORTED BY KRISTIN VARGAS, CSR NO. 11908, RPR

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<p style="text-align: right;"><b>Page 221</b></p> <p>1 SUPERIOR COURT OF THE STATE OF CALIFORNIA 2 FOR THE COUNTY OF LOS ANGELES 3 4 5 LINDA ZIMMERMAN, AN ) INDIVIDUAL, ) 6 ) PLAINTIFF, ) CASE NO. BC720153 7 ) VS. ) 8 ) AUTOZONE INC., ET AL., ) 9 ) DEFENDANTS. ) 10 _____ ) 11 12 13 DEPOSITION OF WILLIAM LONGO, PH.D., THE WITNESS, TAKEN 14 REMOTELY ON BEHALF OF THE DEFENDANTS, AT SUWANEE, GEORGIA, 15 ON TUESDAY, MAY 12, 2020, AT 7:11 A.M., BEFORE KRISTIN 16 VARGAS, CSR NO. 11908, RPR. 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;"><b>Page 223</b></p> <p>1 APPEARANCES, CONTINUED: 2 3 FOR DEFENDANT WHITTAKER, CLARK &amp; DANIEL: 4 BERKES CRANE ROBINSON &amp; SEAL LLP BY: VIIU SPANGLER KHARE, ATTORNEY AT LAW 5 515 SOUTH FIGUEROA STREET SUITE 1500 6 LOS ANGELES, CALIFORNIA 90071 (213)955-1150 7 VSPANGLERKHARE@BCRSLAW.COM 8 9 FOR DEFENDANT REVLOLON INC., BRISTOL-MYERS SQUIBB COMPANY; AND 10 MACY'S INC.: 11 HAWKINS, PARNELL &amp; YOUNG LLP BY: EDWARD ULLOA, ATTORNEY AT LAW 12 445 SOUTH FIGUEROA STREET SUITE 3200 13 LOS ANGELES, CALIFORNIA 90071 (213)486-8000 14 EULLOA@HPYLAW.COM 15 16 ALSO PRESENT: 17 LISA GOUCHER 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;"><b>Page 222</b></p> <p>1 APPEARANCES OF COUNSEL: 2 3 FOR PLAINTIFFS: 4 SIMON GREENSTONE PANATIER BY: CHRIS J. PANATIER, ATTORNEY AT LAW 5 JENNIFER MONTEMAYOR, ATTORNEY AT LAW 1201 ELM STREET 6 SUITE 3400 DALLAS, TEXAS 75270 7 (214)276-7680 CPANATIER@SGPTRIAL.COM 8 9 FOR DEFENDANTS JOHNSON &amp; JOHNSON AND JOHNSON &amp; JOHNSON 10 CONSUMER INC.: 11 KING &amp; SPALDING BY: MATTHEW K. ASHBY, ATTORNEY AT LAW 12 101 SECOND STREET SUITE 2300 13 SAN FRANCISCO, CALIFORNIA 94105 (415)318-1271 14 MASHBY@KSLAW.COM 15 16 FOR DEFENDANT CHANEL, INC.: 17 MANNING GROSS + MASSENBURG, LLP BY: CHRISTOPHER O. MASSENBURG, ATTORNEY AT LAW 18 365 CANAL STREET SUITE 3000 19 NEW ORLEANS, LOUISIANA 70130-6539 (504)535-2880 20 CMASSENBURG@MGMLAW.COM 21 22 23 24 25</p>	<p style="text-align: right;"><b>Page 224</b></p> <p>1 INDEX 2 3 WITNESS 4 WILLIAM LONGO, PH.D. 5 6 EXAMINATION PAGE 7 BY MR. ASHBY 226 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>


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<p>1 seeing by ISO.</p> <p>2 Q So -- but this particular -- so ISO -- we're</p> <p>3 talking about is 22262-1; right?</p> <p>4 A Correct.</p> <p>5 Q And that's a method that's been around for</p> <p>6 eight years probably; right?</p> <p>7 A Correct.</p> <p>8 Q But before that, there were plenty of other</p> <p>9 PLM methods that could have -- that were used to</p> <p>10 identify chrysotile like R93, for example; right?</p> <p>11 A That is correct.</p> <p>12 Q Okay. There's nothing particularly special</p> <p>13 about 22262-1 that would help an analyst identify</p> <p>14 chrysotile by light microscope that the analyst didn't</p> <p>15 have available prior to 22262-1; right?</p> <p>16 A You know, I can't talk about other analysts.</p> <p>17 Most of the PLM analysts out there are used to just</p> <p>18 looking at asbestos added products.</p> <p>19 Would a regular PLM analyst who only spends 15</p> <p>20 minutes to 20 minutes on a sample find the chrysotile or</p> <p>21 not in this particular sample? I can't say. I can't</p> <p>22 say if another PLM analyst out there has the PLM setup</p> <p>23 that we have with the improved 20x objective lens, the</p> <p>24 high resolution monitor.</p> <p>25 Used to now seeing what the chrysotile -- how</p>	<p>1 cosmetic talcs because we have done this as a comparison</p> <p>2 just using ISO PLM method versus the Blount method with</p> <p>3 heavy liquid density, the Blount method is more</p> <p>4 sensitive.</p> <p>5 But it also takes in the experience of the</p> <p>6 analyst and the PLM setup. I'm not aware of any other</p> <p>7 labs that have a PLM setup like ours.</p> <p>8 Q Understood. But when you made the comments at</p> <p>9 trial that PLM would be unable to find chrysotile in</p> <p>10 cosmetic talc because PLM's scope can't resolve the</p> <p>11 chrysotile, you were talking about technology you had at</p> <p>12 your lab at a time when ISO 22262 had already been</p> <p>13 promulgated as a standard; correct?</p> <p>14 A Well, you are going to have to show me when I</p> <p>15 made that statement because I remember being crossed on</p> <p>16 that statement for a while now and have said I did make</p> <p>17 those statements, but now that we have increased the</p> <p>18 resolution of what we are using that we are starting to</p> <p>19 see asbestos at least on the amphibole side.</p> <p>20 So I have stated that I believe that with</p> <p>21 enough experience all -- both the ISO Blount and TEM.</p> <p>22 And, you know, and Mr. Ashby, I'm a scientist.</p> <p>23 If something develops that goes against what I have</p> <p>24 previously said, I'm okay with that because as a</p> <p>25 scientist we shouldn't get locked into one statement</p>
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<p>1 it presents itself in these types of samples would they</p> <p>2 find this or not? Would it -- you can't say they would</p> <p>3 or not. So I can't speak for what goes on out there.</p> <p>4 And yes, as we get more into the chrysotile</p> <p>5 portion of these cosmetic talcs, we are seeing if you</p> <p>6 recognize the refractive indices variation, the size of</p> <p>7 these chrysotile bundles that you are seeing in the</p> <p>8 milled talc, that's not something that a standard PLM</p> <p>9 lab using a 22262-1 going back would maybe understand or</p> <p>10 have the experience and the ability to correctly</p> <p>11 determine what is present in these samples. You can't</p> <p>12 make a generalized statement like you just did.</p> <p>13 Q Right. But to be fair, you have made</p> <p>14 generalized statements in the past that PLM would be</p> <p>15 unable to find chrysotile in cosmetic talc; right?</p> <p>16 A I have stated that. The R93 method, if you</p> <p>17 are looking at it in a normal way that you would just do</p> <p>18 regular commercial samples, I still have that opinion.</p> <p>19 But that's not our lab.</p> <p>20 Our lab is now experienced seeing the</p> <p>21 chrysotile and how it presents itself. So I don't think</p> <p>22 the ISO PLM method at a standard lab would be a good</p> <p>23 method to check cosmetic talc.</p> <p>24 I do believe that, if you -- with the proper</p> <p>25 training -- that for a better characterization of these</p>	<p>1 based on the information we have at the time and then</p> <p>2 never change that.</p> <p>3 So the ISO method is not the most efficient</p> <p>4 method. Certainly the Blount PLM as well as the CSM</p> <p>5 method is more sensitive. But you can find it at times</p> <p>6 in the ISO method when you don't see it in the Blount</p> <p>7 method. That's rare. But it's like finding the needle</p> <p>8 in the haystack. You can run into it.</p> <p>9 So you will have to show me when I made that</p> <p>10 statement in the testimony. I believe you are correct.</p> <p>11 But I believe it would have been before we gained the</p> <p>12 information that we have now with improved</p> <p>13 instrumentation and experience of the analysts</p> <p>14 understanding what the chrysotile looks like in these</p> <p>15 talc samples, these cosmetic talc samples from China.</p> <p>16 Q All right. Okay. So let's try to unpack that</p> <p>17 a bit.</p> <p>18 The -- the -- you have already told me that</p> <p>19 the chrysotile that's being found in these Chinese</p> <p>20 samples is short and thin chrysotile such that you are</p> <p>21 using or at least looking into using Calidria as a</p> <p>22 reference sample for the Chinese talc asbestos</p> <p>23 contamination; is that right?</p> <p>24 A Well, it's not really contamination. It's an</p> <p>25 accessory memo.</p>

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<p>1 Q Okay. That's all I was getting at.</p> <p>2 A Okay.</p> <p>3 Q So -- okay. Would you agree with me that the</p> <p>4 PLM -- one of the disadvantages to it is as the fibers</p> <p>5 get shorter and the bundles get thinner, the PLM has a</p> <p>6 difficulty in resolving those thinner, shorter fibers?</p> <p>7 A I would agree.</p> <p>8 Q Okay. And in the past, I have heard you say</p> <p>9 that the PLM cannot resolve chrysotile under a certain</p> <p>10 width, but I do not remember that you stated. Do you</p> <p>11 have anything like that in mind?</p> <p>12 A I would have to look at what I have stated. I</p> <p>13 know the methods call for .2 to .5 microns. It cannot</p> <p>14 resolve that.</p> <p>15 I think you have to have in the range of</p> <p>16 approximately the width of the bundle. You are never</p> <p>17 going to see an individual chrysotile fiber by PLM.</p> <p>18 I believe the width of the bundle would be</p> <p>19 something on the order of 2 to maybe 5 micrometers to be</p> <p>20 able to get the dispersion staining. You may see it.</p> <p>21 But to get the dispersion staining, you need to identify</p> <p>22 it as where the problem is.</p> <p>23 Q Okay. So if the chrysotile that is being</p> <p>24 identified in the Chinese talc samples is more similar</p> <p>25 to a Calidria type of chrysotile, would you agree with</p>	<p>1 looking at a building construction product and just</p> <p>2 take, for example, where (inaudible) was using, I think,</p> <p>3 1.5 percent grade 2010 Calidria, you can see that by PLM</p> <p>4 because you have the high concentration in there.</p> <p>5 Now, if they have problems seeing it, they</p> <p>6 might have to -- you know, if it's a lab that's not very</p> <p>7 good and they actually do a concentration</p> <p>8 method -- i.e., acid dissolution which would remove the</p> <p>9 majority of the material in a joint compound product,</p> <p>10 that gives better ability to see it because you are</p> <p>11 seeing a lot.</p> <p>12 Q Uh-huh.</p> <p>13 A Now, using the standard in cosmetic talc, the</p> <p>14 heavy liquid separation certainly increases it and</p> <p>15 here's a sample where the concentration was very high.</p> <p>16 Not unlike the sample that AMA found the chrysotile in</p> <p>17 and it's off-the-shelf Johnson &amp; Johnson where their</p> <p>18 detection limit was anywhere from 8 million to</p> <p>19 10 million. At 8 million in the sample they found 4</p> <p>20 fibers in, that's -- you know, it's 32 million</p> <p>21 chrysotile fibers per gram. But they run across a</p> <p>22 sample that had a very high concentration of chrysotile</p> <p>23 in it.</p> <p>24 We happened to run across a sample that had a</p> <p>25 very high concentration by weight percent in the sample.</p>
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<p>1 me that PLM then is going to have trouble resolving</p> <p>2 chrysotile in that Chinese talc without your heavy</p> <p>3 liquid separation at very low concentrations?</p> <p>4 A At very low concentrations, that would be</p> <p>5 correct. You would have to define what very low</p> <p>6 concentrations are. At a concentration of what was</p> <p>7 found in Titley, it does not have a problem using our</p> <p>8 system.</p> <p>9 Q What do you mean by your system?</p> <p>10 A Well, we have an enhanced objective lens that</p> <p>11 gives you better resolution to discriminate between the</p> <p>12 fibers and it gives better resolution on the dispersion</p> <p>13 staining. And we have the high definition monitor that</p> <p>14 allows you to increase the size and be able to adjust</p> <p>15 your focus a little bit easier.</p> <p>16 On a regular PLM setup with a PLM analyst</p> <p>17 that's not experienced in looking at this, he may never</p> <p>18 find it. Maybe at the concentration we found, but I</p> <p>19 don't know.</p> <p>20 Q So would you agree that at least for Coalinga</p> <p>21 type chrysotile, the PLM procedure is not reliable for</p> <p>22 confirming chrysotile asbestos in a sample, whether it's</p> <p>23 a bulk building product or even something like a talc</p> <p>24 without doing your heavy liquid separation technique?</p> <p>25 A No, I won't agree with that. If you're</p>	<p>1 I don't see it as something that we should ignore.</p> <p>2 Q Okay. One point, though. I think you will</p> <p>3 agree. When you cited the AMA results, that's a TEM</p> <p>4 analysis; right?</p> <p>5 A I agree.</p> <p>6 Q Okay. Right now we're talking about PLM</p> <p>7 analysis and whether or not PLM is appropriate or could</p> <p>8 find these very small, thin fibers of chrysotile; okay,</p> <p>9 just to put more at you.</p> <p>10 A Well, my opinion is it is appropriate.</p> <p>11 Q Okay.</p> <p>12 A We are seeing it in a number of samples. We</p> <p>13 happen to have one that has a very high concentration</p> <p>14 where the PLM by the ISO method detected it. And let's</p> <p>15 go back to the TEM method. How many samples has AMA</p> <p>16 analyzed for FDA especially in the 2010? Was it 50? A</p> <p>17 lot of those were Chinese talc source. How many did he</p> <p>18 find with chrysotile in it? Zero.</p> <p>19 Now he has one that had a very high</p> <p>20 concentration. So it's not that you can ignore it</p> <p>21 because it was TEM versus PLM.</p> <p>22 Q Uh-huh. Uh-huh. Are you aware that 22262-2</p> <p>23 talks about resolving PLM or resolving Coalinga fiber by</p> <p>24 PLM?</p> <p>25 A I don't recall. I mean, I don't think I</p>

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<p style="text-align: right;"><b>Page 393</b></p> <p>1 asbestos fibers per 100 grid openings are shown in 2 Table 1." 3 So maybe you are right that Table 1, it's one 4 of these. I don't believe it's the .1 percent. 5 Q Right. So, in any event, this is what this 6 author is saying what they found was a tremolite 7 asbestos fiber typically found by TEM after doing 8 milling down to 325 mesh; right? 9 A One of those three samples. 10 Q All right. So if that's right, then we could 11 go and look at the TEM photomicrographs that you have of 12 tremolite and compare them to this to see if they look 13 similar; right? 14 A Many of the single fibers would look similar. 15 But let's see what the aspect ratio of that is. 16 I'm really guesstimating that that may be, you 17 know, 15 or 20 microns long. And it looks like about a 18 tenth of a micron wide or maybe 15 to 20. So that would 19 be somewhere in the 150 to 200 aspect ratio. 20 Q All right. 21 A So that would be under No. 2. 22 Q All right. So what do you want to do? I 23 don't have any more on that thing. 24 A Yeah, I think I would like to wrap it up. 25 It's 15 after 5:00. I'm very tired. Just you guys have</p>	<p style="text-align: right;"><b>Page 395</b></p> <p>1 STATE OF CALIFORNIA )  ) ss. 2 COUNTY OF LOS ANGELES ) 3 4 I certify under penalty of perjury under 5 the laws of the State of California that the foregoing is 6 true and correct. 7 8 Executed at _____ on _____. 9 (Place) (Date) 10 11 _____ 12 WILLIAM LONGO, PH.D. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;"><b>Page 394</b></p> <p>1 to get another day. 2 MR. PANATIER: Yeah, okay. Hey, so let's just 3 conclude this volume for today; and just as we did on 4 the first volume, we'll find another date to make 5 Dr. Longo available to continue the deposition. 6 MR. ASHBY: Okay. 7 MR. PANATIER: All right. Thanks, guys. 8 9 10 (Whereupon, the deposition 11 was concluded at 2:14 P.M.) 12 *** 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;"><b>Page 396</b></p> <p>1 STATE OF CALIFORNIA )  ) ss. 2 COUNTY OF LOS ANGELES ) 3 4 I, Kristin Vargas, Certified Shorthand Reporter, 5 Certificate No. 11908 do hereby certify: 6 That prior to being examined, the witness named in the 7 foregoing deposition was by me duly sworn to testify to the 8 truth, the whole truth, and nothing but the truth; 9 That said deposition was taken down by me in shorthand 10 at the time and place therein named and thereafter reduced 11 to typewriting under my direction, and the same is a true, 12 correct, and complete transcript of said proceedings; 13 That if the foregoing pertains to the original 14 transcript of a deposition in a Federal Case, before 15 completion of the proceedings, review of the transcript 16 { } was { } was not required. 17 I further certify that I am not interested in the event 18 of the action. 19 20 Witness my hand this __15th__ day of __MAY__, 21 2020. 22  23 KRISTIN VARGAS 24 Certified Shorthand Reporter 25 for the State of California</p>